

1
2
3
4 UNITED STATES DISTRICT COURT

5 DISTRICT OF NEVADA

6 -oOo-

7 UNITED STATES OF AMERICA,)

8 Plaintiff,)

9 vs.)

10 KIRK ANTHONY BOWMAN,)

11 Defendant.)
12 _____)

2:03-CR-00015-PMP-PAL

ORDER

13 On this date, December 22, 2010, the Court entered an Order (Doc. #55)
14 directing that Plaintiff United States file a response to Defendant Bowman's
15 letter/motion seeking credit against a criminal sentence imposed for time he had
16 served in pre-trial detention.

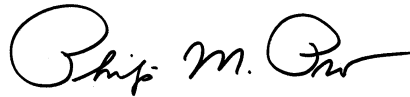
17 Plaintiff United States failed to comply with this Court's Order (Doc. #55)
18 and on February 28, 2011, Defendant Bowman filed a Request/Motion for Default
19 Judgment on the issue (Doc. # 56 & #57). On March 1, 2011, Plaintiff United States
20 filed a Response (Doc. #58) explaining that the Government's failure to comply
21 with this Court's Order (Doc. #55) was "due to an internal miscommunication to the
22 extent a conflicting information as to which attorney was assigned to the case."
23 Defendant Bowman filed a Reply Memorandum (Doc. #59) on March 18, 2011.

24 The Court does not find the Government's failure to timely respond to be a
25 justification for granting by default relief to which this Court lacks jurisdiction to
26 consider. As noted in the Government's Response (Doc. #58). As the Government

1 correctly observes in its response, to the extent he is entitled to do so, Defendant
2 must seek the relief he requests by appropriate motion under 28 U.S.C. §2241 in the
3 district where he is currently incarcerated.

4 **IT IS THEREFORE ORDERED** that Defendant Bowman's Motion for
5 Entry of Default (Doc. #56 & #57) is **DENIED**.

6
7 DATED: March 21, 2011.

8 

9
10

PHILIP M. PRO
United States District Judge